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REMARKS

Reconsideration of all grounds of rejection and allowance of all the pending claims are respectfully requested in view of the following remarks. The Office Action mailed May 21, 2007 has been reviewed and carefully considered. Claims 19-36 remain pending herein.

Claims 19-36 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over U.S. Patent 6,473,628 B1 to Kuno *et al.* ("Kuno"). Applicants respectfully traverse for the reasons indicated herein below.

Applicant respectfully submits that the USPTO has failed to set forth a *prima facie* case of obviousness to proper reject any of the present claims under 35 U.S.C.§103(a), and the shortcomings of the latest Office Action shall be discussed in detail below.

With regard to the rejection under 35 U.S.C.§103(a), we note that the United States Court of Appeals for the Federal Circuit required a showing of __an unrebutted__ __*prima facie* case of obviousness__ (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, __teach all features__ in the claims (*In re Royka*, 490

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F.2d 981, 180 USPQ 580 (CCPA 1970); see also **MPEP 2143.03**), or if the claim or

claims recite features as combined in the claims that would have been within the

ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S.

Supreme Court, decided April 30, 2007).

Applicant respectfully submits in detail the items in the Office Action which are

alleged to be disclosed by Kuno but are not disclosed by said reference. They are as

follows:

First, Kuno is a device primarily concerned with displaying different images on

telephone displays for users who are looking to be amused by their telephone. The

normal display changes to pseudo-random sequences of stored images to surprise the

user, who does not know which image is going to be displayed in any sequence.

However, the pseudo-random display of images while a telephone is in a standby mode

does not save power, nor does it extend the life of the LCD and/or backlight.

We address each area of Kuno herein below that was cited in the Office Action:

(1) At page 2, 3rd paragraph of the Office Action, Kuno is alleged to disclose at

   col. 4, lines 32-38 a display comprising an LCD display; we note that this

   passage of Kuno discloses an analog voice signal, which may be received and

   transmitted, and is amplified by respective amplifiers. The term LCD or even

   a visual display is not used in this portion of Kuno.

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(2) At page 2, 3rd paragraph of the Office Action, Kuno is alleged to disclose at col. 2, lines 45-63 that after a power-on of the telephone, the LCD is maintained on until a call is established a predetermined time period has elapsed; we note that this passage of Kuno discloses that a memory unit stores a plurality of images which are automatically displayed after a certain time period has elapsed to put the telephone in a standby mode, and the LCD stays on at all times. All Kuno discloses at this section is that images from memory are displayed once the telephone is in standby state.

(3) At page 2, last two lines in the Office Action, Kuno is alleged to display at col. 6, lines 10-19 that a backlight is provided; we note that this passage says nothing about a backlight, and is describing the user setting a volume control in accordance with a flowchart shown in FIG. 3. The user sets the volume level by viewing a display and pressing a key, but that is all that is disclosed at this passage.

(4) At page 3, first two lines of the Office Action, Kuno is alleged to disclose at col. 2, lines 45-65 that the back-light power remains off as long as no call is placed or received; we note that this passage of Kuno discloses that a memory unit stores a plurality of images which are automatically displayed after a certain time period has elapsed to put the telephone in a standby mode, and the LCD

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stays on at all times. All Kuno discloses at this section is that images from memory are displayed once the telephone is in standby state. This passage is completely silent about a backlight being powered on or off.

(5) At page 3, first full paragraph and second paragraph of the Office Action, Kuno is alleged to disclose at col. 2, lines 45-64 that the back light remains off until one of two events occurs, the events being pressing the send key and receiving a ring signal for call termination; we note that col. 2, lines 45-64 was also cited several times and fails to disclose what is alleged in the Office Action. This passage of Kuno discloses that a memory unit stores a plurality of images which are automatically displayed after a certain time period has elapsed to put the telephone in a standby mode, and the LCD stays on at all times. All Kuno discloses at this section is that images from memory are displayed once the telephone is in standby state.

(6) At page 3, 3rd paragraph of the Office Action, Kuno is alleged to disclose at col. 9, lines 1-16 the turning on the LCD when the established call has ended; we note that this passage of Kuno discloses that the images from memory are switched on the display in a pseudo-random sequence, including exemplary images of fishes swimming, flying airplanes, and the head of a mole which are displayed in random sequence. Kuno says the different display of images starts

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after five minutes of not receiving a call or pressing any buttons, and is
completely silent about turning on an LCD, particularly since the LCD displays
the date and time for the first five minutes.

(7) At page 3 fourth paragraph of the Office Action, Kuno is alleged to disclose
at col. 10, lines 18-41 that if there has been a call since power-on, the back up
light is off as long as no call is placed or received, subsequent to the most recent
call; we note that this passage of Kuno discloses that when power to the
telephone is turned on, or a call established with the telephone is terminated, the
telephone enters a standby mode displaying telephone communication
information on the display panel 16, the icon is turned off and the control unit
selects images stored in ROM. Kuno says nothing about the backlight.

(8) At page 4, second full paragraph of the Office Action, Kuno allegedly
discloses at col. 10, lines 48-59 that the telephone inherently teaches a computer
program product comprising an embeddable program for performing the method
of claim 19; we note that for the reasons previously disclosed, Kuno fails to
disclose virtually any of the claimed elements, and thus does not inherently teach
a computer program because it discloses a microprocessor, control unit, ROM,
RAM, and display panel in this cited passage.

(9) At page 4, third full paragraph in the Office Action, Kuno is alleged to

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disclose at col. 2, lines 45-65 that the LCD is maintained until a call is established and a predetermined time period has expired; we again note that this particular passage, which is cited in some of the aforementioned numbered items, does not disclose what is alleged in the Office Action. Col. 2, lines 45-64 of Kuno discloses that a memory unit stores a plurality of images which are automatically displayed after a certain time period has elapsed to put the telephone in a standby mode, and the LCD stays on at all times. All Kuno discloses at this section is that images from memory are displayed once the telephone is in standby state.

(10)   At page 4, last paragraph of the Office Action, Kuno is alleged to "inherently" teach at col. 9, lines 14-25, that the telephone has a backlight for the LCD, and the process is configured to maintain the backlight on if there has been a call since power on, and the back light maintained off as long as no call is placed; we note that col. 9, lines 14-25 of Kuno only discloses that after five minutes of not receiving a call or pressing a button, the image on the display changes from communication information to images retrieved from memory and displayed randomly. Kuno says nothing about a back light.

Applicant does note that Kuno appears to disclose at col. 9, lines 53-60, that the images are displayed intermittently while in a battery saving mode. Displaying images

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intermittently while in a battery saving mode does not disclose or suggest powering on or off an LCD and/or a backlight as claimed in the present claimed invention.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of all grounds of rejection under Kuno, which for the above reasons, do not properly set forth a cas3 of obviousness under 35 U.S.C.§103(a).

In view of the foregoing amendments and remarks, Applicant respectfully requests receipt of a Notice of Allowance as soon as possible as the rejections of claims 19-36 under 35 U.S.C.§103(a) are traversed.

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In the event that any additional fee is required to continue the prosecution of this

Application as requested, please charge such fee to Deposit Account No. 502-470. If the

Examiner has any questions regarding this Application, it is respectfully requested that

the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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